

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

241

**FAO-1804-2006 (O&M)**

**Date of Decision: 06.03.2024**

GANESH KUMAR @ DINESH KUMAR

.... Appellant

## VERSUS

ANIL KUMAR &amp; ORS.

## .... Respondents

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Arvind Kashyap, Advocate for the appellant.

Respondent No.3 proceeded against ex parte vide order dated 09.02.2017.

Mr. Vipul Sharma, Advocate for respondent No.4.

## ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellant aggrieved by the dismissal of the claim petition by the Motor Accident Claims Tribunal, Gurdaspur vide award dated 28.11.2005.

2. The claim petition was filed by the claimant-appellant for recovery of Rs.2,52,000/- as compensation on account of damage caused to his shop due to rash and negligent driving of the bus bearing registration No.PB-06-B-2026 (hereinafter referred to as the offending vehicle). The Tribunal dismissed the claim petition on the ground that the claimant-appellant had failed to prove on the record that he was the owner of the shop in question which was damaged in the accident. The specific case of the respondent was that the claimant-appellant was not the owner of the shop in question. On the basis of the pleadings and the evidence the claim petition was dismissed by the Tribunal. Hence, the present appeal.

3. Learned counsel for the claimant-appellant would contend that the claimant-appellant had purchased the shop from one Narinder Kumar son

of Om Parkash and that being the owner of the shop the claim petition at his behest was maintainable.

4. On a pointed question by the Court as to whether any evidence was led qua his ownership, learned counsel for the claimant-appellant has admitted that there is no document on the record to prove his ownership.

5. *Per contra*, learned counsel for respondent No.4 would contend that in the absence of any proof of ownership, the claim petition was rightly dismissed.

6. Heard.

7. In the present case a categorical finding has been returned by the Tribunal that the claimant-appellant had not placed on record any document to show that he was the owner of the shop in dispute. In his cross-examination, it was specifically put to the claimant-appellant that Narinder Kumar son of Om Parkash was the owner of the shop in question and the said fact was denied by the claimant-appellant. Despite the stand taken by the respondent that the claimant-appellant was not the owner of the shop, the claimant-appellant failed to produce even an iota of evidence to show that he was the owner of the shop in dispute.

8. In view of the above, I do not find any illegality and infirmity in the impugned award passed by the Tribunal. The present appeal, being devoid of any merits, is accordingly dismissed. Pending applications, if any, also stand disposed off.

**06.03.2024**

*Aman Jain*

**(ALKA SARIN)**  
**JUDGE**

*NOTE:*

*Whether speaking/non-speaking: Speaking*

*Whether reportable: YES/NO*